

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRANK A. WALLMULLER,

Plaintiff,

v.

CASEY SALISBURY *et al.*,

Defendants.

Case No. C09-5534BHS

ORDER ON PENDING MOTIONS

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. The matter is before the court on: (i) plaintiff's motion for an extension of time, (Doc. 19); (ii) defendants' motion to enforce stipulated dismissal, (Doc. 22); and plaintiff's motion to require service of defendants' motion to enforce the stipulated dismissal, (Doc. 32). Having reviewed the above motions, the balance of the record, and issued a report and recommendation on defendants' motion for summary judgment on this same date (recommending dismissal of this matter), the court finds and orders as follows:

ORDER- 1

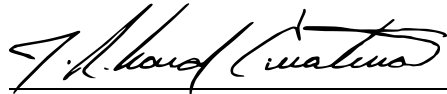
1           1.       Plaintiff's motion for an extension of time to file opposition to the pending  
2 motion for summary judgment was filed on March 17, 2010. Since that date, plaintiff has filed  
3 no less than twelve affidavits and pleadings in opposition to the dispositive motion, which have  
4 all been considered by the court. Therefore, any further extension of time is unnecessary and  
5 the motion for more time is **DENIED**, as being moot.

6           2.       Defendants' motion to enforce a stipulated dismissal is **DENIED**. Based on the  
7 pleadings it is clear the parties did not agree to whether or not the matter should be dismissed by  
8 stipulation with or without prejudice.

9           3.       Plaintiff's motion to require defendants to serve the motion to enforce the  
10 stipulated dismissal is **DENIED**, as being moot. The underlying motion to enforce the  
11 stipulated dismissal has been denied.

12           4.       The Clerk is directed to send plaintiff a copy of this order.

13           DATED this 30<sup>th</sup> day of April, 2010.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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